

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

TIWONA JOSEPH,

Plaintiff,

-against-

CITY OF NEW YORK; Detective SAMUEL
LALLAVE, Shield No. 3824; Sergeant ROBERT
MALONEY, Shield No. 05057; Detective EDWIN
SINCLAIR, Shield No. 05116; Detective STEVE
LAFORTUNE, Shield No. 2570; and JOHN and
JANE DOE 1 through 10, individually and in their
official capacities (the names John and Jane Doe
being fictitious, as the true names are presently
unknown),

Defendants.

-----X

Defendants Samuel Lallave, Edwin Sinclair and Robert Maloney, and any
individual who is later named and becomes represented by the Office of the Corporation Counsel
and indemnified by the City of New York pursuant to the General Municipal Law 50-k, having
offered Plaintiff Tiwona Joseph to take a judgment against the City of New York only, in the
amount of Fifty Thousand and One (\$50,001.00) Dollars, plus reasonable attorneys' fees,
expenses, and costs to the date of the offer for Plaintiff's federal claims and Plaintiff Tiwona
Joseph having accepted said offer; it is

ORDERED and ADJUDGED that judgment is hereby entered pursuant to Rule 68
of the Federal Rules of Civil Procedure in favor of Plaintiff Tiwona Joseph and against the City
of New York in the total sum of Fifty Thousand and One (50,001.00) Dollars, plus reasonable
attorneys' fees, and expenses, and costs.

JUDGMENT 13-CV-7051 (KAM)

In accordance with the offer of judgment, this judgment is in full satisfaction of all federal and state law claim or rights that Plaintiff may have to damages, or any other form or relief, arising out of the alleged acts or omissions of Defendants Samuel Lallave, Edwin Sinclair and Robert Maloney, the City of New York or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action; this judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by Defendants Samuel Lallave, Edwin Sinclair and Robert Maloney, the City of New York or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages; this offer of judgment will act to release and discharge Defendants Samuel Lallave, Edwin Sinclair and Robert Maloney; their successors or assigns; the City of New York, and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff arising out of the facts and circumstances that are the subject of this action; further, Plaintiff Tiwona Joseph waive rights to any claim for interest on the amount of the judgment and agrees that payment of Fifty Thousand and One (\$50,001.00) Dollars within ninety (90) day of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part; if Plaintiff Tiwona Joseph is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date Plaintiff submits

JUDGMENT 13-CV-7051 (KAM)

to counsel for Defendants a final demand letter from Medicare; Plaintiff Tiwona Joseph further agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26 and Plaintiff Tiwona Joseph further agrees to hold harmless Defendants, the City of New York, and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: Brooklyn, New York
November 18, 2014

Douglas C. Palmer
Clerk of Court

by: /s/ Janet Hamilton
Deputy Clerk